IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 259 OF 2006
IN
CRIMINAL REVISION APPLICATION NO. 417 OF 2005

Mrs.Varsha Daulat Desai. ... Applicant.

V/s.

The State of Maharashtra
and another. ... Respondents.

Apurva Singh i/b. Aabad H.H.Ponda
for the applicant.

S.S.Pendnekar, A.P.P. for the State.

CORAM: S.C.DHARMADHIKARI, J.

DATED: 21.12.2006.

P.C. :

. The application for restoration of Criminal Application No.417 of 2005 filed is made because the main matter is directed against the order issuing non-bailable warrant to the applicant.

2. The matter was dismissed on 24th November 2005 after settlement talks failed, but none appeared to prosecute the revision application.

3. A grievance is made by the original complainant appearing through Shri Bhadbhade that the applicant has been avoiding the process of law

inasmuchas she has not been found at the residential address disclosed by her during the course of the proceeding before the Courts below. Now, an affidavit is filed by the applicant pointing out that she is residing at Gorai, Mumbai, details of which are disclosed in the said affidavit. She has given an undertaking to this Court that she would continue to reside there and in case she desires to shift therefrom, she will give all details pertaining thereto and shall not abscond and shall attend the proceeding. On the last occasion, the original complainant had opposed the restoration. However, it is brought to my notice by Shri Ponda that the applicant be given one chance in the interest of justice to show her bonafide and she would deposit substantial sum in this Court. Accordingly, following order is passed.

(i). Upon applicant depositing in this Court a sum of Rs. 2,50,000/- within 4 weeks from today, the order dismissing revision application in default shall stand set aside and the criminal revision application would then be restored to file for deciding on merits.

(ii). In the event the applicant commits default in depositing the aforesaid amount, the order

dated 24th November 2006 would stand and continue to operate.

(iii). To enable the applicant to show her bonafides, ad-interim order granted by this Court on 2nd December 2005 shall continue for a period of four weeks from today.

(iv). Needless to state that in the event of default the order dated 24th November 2006 would stand and shall continue to operate. The ad-interim order shall also stand vacated and all this without further reference to the Court.

(S.C.DHARMADHIKARI, J.)